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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,438	04/12/2004	Eric Anderson	8762.66	1436
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KIRTON AND MCCONKIE 60 EAST SOUTH TEMPLE, SUITE 1800 SALT LAKE CITY, UT 84111			EXAMINER SYED, FARHAN M	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 06/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,438

Applicant(s)

ANDERSON ET AL.

Examiner

Farhan M. Syed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris (U.S. Patent Pub. 2002/0059204 A1)

As per claims 1, 12, and 23, Harris teaches a method of querying data (i.e. customized query)(Figure 1) comprising (i.e. "The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols.")(paragraph [0008]): initiating a manager module (i.e. initiating device)(Figure 2) including registering talents (i.e. data)(see Figure 5) on a database (i.e. "In one embodiment, the methods and systems can provide an application that can be installed on a subscriber's server to allow a website and/or other data sources accessible to the server, to be searched without requiring pre-integration, reformatting, etc. of the server or the data on the server. In another embodiment, the application can reside on another device or server that can be in communication with the subscriber's website server. For the purposes of the methods and systems described herein, a "website" can be

understood to include a document on a network such as the internet or an intranet, that can include a home page and other documents and files that can be accessed through the webpage either directly or indirectly, and the website can also include **databases** that can be accessed directly or indirectly. The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols.”)(paragraph [0008]); receiving a request (i.e. query)(Figure 1) to perform a requested task (i.e. “The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols.” A customized query clearly anticipates a requested task (i.e. search) to be performed)(paragraph [0008]) and routing (i.e. transmit)(paragraph [0015]; see also Figures 2-5) the request to the manager module (i.e. “The methods and systems can accommodate customized searches. Accordingly, a user can establish an account or profile that can be transmitted or otherwise associated with the search or query request from the initiating device or website. The user's profile can be incorporated into the customized searches at the subscriber websites. In one embodiment, the user can transmit the profile with the query information or search request, while in another embodiment, the user can be identified at the initiating device or website by an account number that can allow access to a locally or centrally stored profile for submission with the inquiry. In yet another embodiment, a user can submit or otherwise be associated with a profile such that subscribers can customize a search or query based on the user profile and/or identity.”)(Paragraph [0015]); analyzing the database (i.e. product catalog database)(paragraph [0009]) to determine if the requested task (i.e. search)(paragraph [0009]) is available (i.e. “if the target of the search is text...” The preceding text clearly indicates a determination step (i.e. analysis) of the search.)(Paragraphs [0009] and [0011]); and if the talent (i.e. data)(see Figure 5) is available, performing the following: transferring the request to at least one talent agent (i.e. entity)(paragraph [0041]) that corresponds with the requested task (i.e. “For example, the query results 108 can be transferred to the entity that requested that supplied the query information 106, or another entity can be designated

or otherwise specified to receive the query results 108. As indicated previously herein, FIG. 1 illustrates the principles of the methods and systems which have wide applicability.")(Paragraph [0031]); and performing the requested task (i.e. "In an embodiment, the server 14 can access subscriber information from the database 13 to cause the query information to be distributed to one or more subscribers 16a, 16b, 16c. In the illustrated system, the database 13 can include URLs of subscriber servers 16a, 16b, 16c (also referenced herein collectively or individually as 16). The query information can be transferred, distributed, or otherwise communicated to the subscriber servers 16 simultaneously as in a broadcast, or using an ordered scheme that can include network or load balancing schemes. The FIG. 1 system illustrates the communication of query information to three subscribers 16a, 16b, 16c although the methods and systems can be applied to one or more subscribers and the number of subscribers is not a limitation. For an embodiment wherein the system server 14 communicates to the subscriber servers 16 via a network such as the internet, the transfer of the query information can be performed using HTTP or HTTPS, for example, although such an example is provided for illustration and not limitation.")(Paragraph [0041]).

As per claim 2, Harris teaches a method, wherein registering talents in a database further includes registering native talents available within the manager module on the database (see paragraphs [0008], [0015], [0031], [0041, and [0044]; see also Figs. 2-5).

As per claim 3, Harris teaches a method, wherein registering talents in a database further includes registering native talents available on an agent module on the database (see paragraphs [0008], [0015], [0031], [0041, [0044] and [0050]; see also Figs. 2-5).

As per claim 4, Harris teaches a method, wherein registering talents in a database

further includes registering talents available by talent providers on the database (see paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claim 5, Harris teaches a method, wherein the database is a configuration database compiled by the execution of talent registration requests (paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claims 6 and 16, Harris teaches a method, wherein a talent is an action that is capable of being performed by a talent agent (paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claims 7 and 17, Harris teaches a data query module, wherein a talent is an action capable of being performed by a talent provider, wherein the talent provider is coupled to one of the at least one agents (paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claim 8 and 18, Harris teaches a method, wherein a talent is an action that is capable of being performed by the manager module (paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claim 9 and 21, Harris teaches a method, wherein the database includes a list of talents and corresponding talent agents capable of performing the talents (paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claim 10, Harris teaches a method, wherein the manager module further includes a cluster of manager modules that can distribute functionality and serve as redundancy (Paragraphs [0008], [0015], [0031], [0041, [0044] and [0050]; see also Figs. 2-5).

As per claims 11 and 22, Harris teaches a data query module, wherein the at least one manager module may distribute task requests among multiple agents in order to increase the efficiency with which the task is completed (see paragraphs [0008], [0015], [0031], [0041, [0044] and [0050]; see also Figs. 2-5).

As per claims 13, Harris teaches a data query module, wherein the at least one manager module includes a plurality of manager modules distributing processes to increase efficiency and capable of backing up one another in case one or more of the plurality of manager modules fails (see paragraphs [0008], [0015], [0031], [0041, [0044] and [0050]; see also Figs. 2-5).

As per claims 14, Harris teaches a data query module, wherein the at least one agent includes a plurality of agents and wherein each agent may include at least one talent provider, wherein the agents are capable of performing certain native talents and the talent providers are capable of performing other talents (see paragraphs [0008], [0015], [0031], [0041, [0044] and [0050]; see also Figs. 2-5).

As per claims 15, Harris teaches a data query module, wherein the at least one

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database further includes: a configuration database configured to store information about available talents and their corresponding agents (see paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5); an audit database configured to store information about requested tasks from a requester; and a results database configured to store output information from at least one talent provider (see paragraphs [0008], [0015], [0031], [0041], [0044] and [0050]; see also Figs. 2-5).

As per claims 19, Harris teaches a data query module, wherein at least one of the at least one agents further include at least one talent provider (Paragraphs [0044], [0050]).

As per claims 20 and 26, Harris teaches a data query module, wherein each talent provider is capable of performing a talent autonomously if the corresponding agent fails (Paragraphs [0044], [0050]).

As per claims 24, Harris teaches a data query module, further includes an audit database configured to store information about requested tasks (Paragraphs [0044], [0050]).

As per claims 25, Harris teaches a data query module, further includes a results database configured to store output information from the at least one talent providers (Paragraphs [0044], [0050]).

Response to Remarks/Argument

4. Applicant's arguments, see page 7, filed 17 April 2007, with respect to Figure 4 have been fully considered and are persuasive. The objection of a non-final office action dated 17 January 2007 has been withdrawn.

5. Applicant's arguments filed 17 April 2007 have been fully considered but they are not persuasive for the reasons set forth below.

Applicant argues:

The prior art of record fails to teach each and every limitation of claims 1, 12, and 23.

The Examiner disagrees. Harris teaches a method of querying data (i.e. customized query)(Figure 1) comprising (i.e. "The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols.")(paragraph [0008]): initiating a manager module (i.e. initiating device)(Figure 2) including registering talents (i.e. data)(see Figure 5) on a database (i.e. "In one embodiment, the methods and systems can provide an application that can be installed on a subscriber's server to allow a website and/or other data sources accessible to the server, to be searched without requiring pre-integration, reformatting, etc. of the server or the data on the server. In another embodiment, the application can reside on another device or server that can be in communication with the subscriber's website server. For the purposes of the methods and systems described herein, a "website" can be understood to include a document on a network such as the internet or an intranet, that can include a home page and other documents and files that can be accessed through the webpage either directly or

indirectly, and the website can also include **databases** that can be accessed directly or indirectly. The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols.")(paragraph [0008]); receiving a request (i.e. query)(Figure 1) to perform a requested task (i.e. "The application can develop a customized query for the website and/or other data sources accessible to the server, using wired or wireless communications systems and protocols." A customized query clearly anticipates a requested task (i.e. search) to be performed)(paragraph [0008]) and routing (i.e. transmit)(paragraph [0015]; see also Figures 2-5) the request to the manager module (i.e. "The methods and systems can accommodate customized searches. Accordingly, a user can establish an account or profile that can be transmitted or otherwise associated with the search or query request from the initiating device or website. The user's profile can be incorporated into the customized searches at the subscriber websites. In one embodiment, the user can transmit the profile with the query information or search request, while in another embodiment, the user can be identified at the initiating device or website by an account number that can allow access to a locally or centrally stored profile for submission with the inquiry. In yet another embodiment, a user can submit or otherwise be associated with a profile such that subscribers can customize a search or query based on the user profile and/or identity.")(Paragraph [0015]); analyzing the database (i.e. product catalog database)(paragraph [0009]) to determine if the requested task (i.e. search)(paragraph [0009]) is available (i.e. "*if the target of the search is text...*" The preceding text clearly indicates a determination step (i.e. analysis) of the search.)(Paragraphs [0009] and [0011]); and if the talent is available, performing the following: transferring the request to at least one talent agent that corresponds with the requested task (i.e. "For example, the query results 108 can be transferred to the entity that requested that supplied the query information 106, or another entity can be designated or otherwise specified to receive the query results 108. As indicated previously herein, FIG. 1 illustrates the principles of the methods and systems which have wide applicability.")(Paragraph [0031]); and performing the requested task (i.e. "In an embodiment, the

server 14 can access subscriber information from the database 13 to cause the query information to be distributed to one or more subscribers 16a, 16b, 16c. In the illustrated system, the database 13 can include URLs of subscriber servers 16a, 16b, 16c (also referenced herein collectively or individually as 16). The query information can be transferred, distributed, or otherwise communicated to the subscriber servers 16 simultaneously as in a broadcast, or using an ordered scheme that can include network or load balancing schemes. The FIG. 1 system illustrates the communication of query information to three subscribers 16a, 16b, 16c although the methods and systems can be applied to one or more subscribers and the number of subscribers is not a limitation. For an embodiment wherein the system server 14 communicates to the subscriber servers 16 via a network such as the internet, the transfer of the query information can be performed using HTTP or HTTPS, for example, although such an example is provided for illustration and not limitation.”)(Paragraph [0041]).

Hence, the Applicant’s arguments do not distinguish over the claimed invention over the prior art of record.

Any other arguments by the applicant are either more limiting than the claimed language or completely irrelevant.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhan M. Syed whose telephone number is 571-272-7191. The examiner can normally be reached on 8:30AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FMS


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